

Steps to Follow for Victims of Sexual Harassment

Below are steps that can be taken in order to deal with a possibly sexual harassing situation. These steps are intended to provide the framework for your individual response to sexual harassment. Of course, circumstances and appropriate responses may vary for individual situations. Therefore, the following are intended as general guidelines.

Step 1: Determine if the situation is Sexual Harassment

Carefully examine the facts and behaviors of each situation and determine if the specific action(s) or situation(s) meet the definitions of sexual harassment stated earlier. The following is a key question in determining whether the incident constitutes sexual harassment:

Is this action unwanted or unwelcome sexual behavior and is it personally offensive, intimidating, or hostile?

Step 2: Confront the Harasser

Although it is not required, an employee who is receiving unwelcome behavior of a sexual nature can inform the harasser that the behavior is unwelcome and inappropriate. This step, done in a timely and effective manner, is a vital step and may resolve the situation. The Merit System Protection Board study cited in the Introduction found that half of those involved in sexually harassing situations told the person to stop, and that this step alone resolved the situation in **66%** of the cases.

If possible, attempts should be made immediately to make it clear to the harasser that his or her behavior is unwelcome and that the employee wishes the behavior to stop. The individual involved in the situation must consider the format for confronting the harasser since he/she may be dealing with hostile environment sexual harassment (such as off-color remarks from co-workers) or quid pro quo sexual harassment (such as threats from a supervisor or co-worker).

Generally, harassed employees should follow this procedure:

Say "no" clearly, firmly, and directly. Being vague may not be an adequate approach because the harasser may not realize that his or her behavior was offensive to those involved. If so, then a clear communication requesting a stop to the behavior may take care of the problem. Confront the harasser as soon as the behavior occurs, if possible. Keep the conversation brief, private, and in the work place. It may be appropriate for the employee to point out that this behavior is illegal and that the behavior or situation is affecting his or her ability to work.

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For serious harassment, or persistent behavior, putting one's communication in writing may be effective. This message should describe the specific behavior(s) or situation(s) involved (be specific). Attaching a MRP or agency policy statement to the letter may also be effective. Also, retaining a dated copy of the letter for one's records may be a good idea.

Step 3: Collect and Document Evidence

To protect oneself, and because the sexual harassment may continue or possibly worsen, start documenting harassing behaviors or situations early. In fact, it may be wise to immediately begin documenting evidence as soon as you have determined that the behavior/action in question is sexual harassment. While the letter in the previous step will be useful evidence, more detailed documentation is needed (assuming the harassment continues) to pursue a formal complaint. Include the date, time, place, witnesses, and the details of what was said or done. Write a detailed journal with specifics and dates of each confrontation, stating where and what took place. Include how the harassment affected your feelings and job performance. It may be a good idea to identify others in the work place who are affected by the harassment and who may be a witness to the behavior or situation.

If possible, collect evidence to support your claim. Examples of evidence include offensive letters, notes, photos that you receive, or copies of offensive materials and photos posted or given to you.

Step 4: Take Further Appropriate Action

If the sexual harassment continues and the victim receives an inadequate response from the above steps, the victim may need to take stronger action. Seek assistance. Consult your supervisor, the harasser's supervisor, an EEO Counselor/Mediator, the Personnel Division, or a trusted co-worker for advice on how to deal with the harasser.

If management is not responsive to your complaint, you may contact an EEO Counselor/Mediator. The Federal Women's Program Manager or your union representative may also be able to advise you about taking further action. Eventually, you may need to initiate an informal EEO pre-complaint. To do this, contact a USDA EEO Counselor/Mediator.